

IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF PENNSYLVANIA

In Re:	:	Case No. 17-22967 JAD
	:	
John C. Churby and Sharon M. Churby,	:	Chapter 13
	:	
Debtors,	:	Document No. 57
	:	
John C. Churby and Sharon M. Churby,	:	FILED
	:	2/22/21 3:25 pm
Movants,	:	CLERK
	:	U.S. BANKRUPTCY
vs.	:	COURT - WDPA
	:	
No Respondents.	:	

CONSENT ORDER TO APPROVE POST  
PETITION AUTOMOBILE FINANCING

AND NOW COME the Debtors, John C. Churby and Sharon M. Churby, by their counsel, Zebley Mehalov & White, P.C. and Daniel R. White, Esquire, and Chapter 13 Trustee, Ronda J. Winnecour, by her counsel, Kate DeSimone, and files the within Consent Order to Approve Post Petition Automobile Financing representing as follows:

1. This Consent Order is being sought on an emergency basis as Debtor/Husband's work vehicle, a 1998 Ford Ranger, has become inoperable and unsafe to drive. This vehicle is necessary to travel to Debtor/Husband's employment.
2. Movants are the Debtors in this Chapter 13 Bankruptcy proceeding having filed a Voluntary Chapter 13 petition on July 21, 2017.
3. The Debtors have a confirmed Chapter 13 plan which provides for a 100% distribution to unsecured creditors with a plan payment of \$3,140.00 per month.
4. The Debtors have paid the Trustee over \$115,000.00 to date, and payments are being remitted to the Chapter 13 Trustee by wage attachment by Debtors. Debtors are in month 42 of a 60 month plan and their plan payments are current.
5. The Debtor is seeking secured financing in order to purchase an automobile to replace Debtor/Husband's 1998 Ford Ranger.

Based upon the foregoing, and for good cause shown, it is hereby **ORDERED, ADJUDGED, and DECREED** that:

1. The Debtors' *Motion* is **GRANTED** as provided by the terms of this *Order*. Debtors are authorized to obtain secured financing for the purchase of a replacement vehicle on the following terms:

- (a) the total amount of financing shall not exceed \$25,000.00 and interest rate should not exceed 20%; and
  - (b) the monthly payments made under the financing agreement **shall not exceed** \$500.00/per month.
- 2. To the extent that Debtors secure financing for the purchase of a new vehicle, such payments **shall be made through the chapter 13 plan**. Within **30 DAYS** of securing such financing, Debtors shall file:
  - (a) an amended chapter 13 plan; and
  - (b) a report of financing.
- 3. To ensure the prompt and timely payment of the automobile loan, Debtors shall make a supplemental payment to the chapter 13 trustee **within 7 days** of filing the report of financing (and each month thereafter as necessary) in an amount sufficient for the trustee to cover the installments due on the loan. The supplemental payments shall be in addition to the regular plan payment, pending confirmation of the amended plan.
- 4. Pending confirmation of any amended plan providing for the new postpetition loan payments, the trustee is authorized to make monthly adequate protection payments to the POSTPETITION AUTOMOBILE LENDER for the contract amount so long as sufficient supplemental funds are provided by Debtors.
- 5. Notwithstanding the inclusion of the postpetition loan within an amended chapter 13 plan, the underlying terms of the loan shall not be modified absent the consent of the POSTPETITION AUTOMOBILE LENDER.
- 6. Debtors shall serve copies of this *Order* on all creditors eligible to receive distributions through the chapter 13 plan and file proof of the same with the Court.

ZEBLEY MEHALOV & WHITE, P.C.

/s/ Daniel R. White

Daniel R. White  
PA I.D. No. 78718  
P.O. Box 2123  
Uniontown, PA 15401  
Telephone: 724-439-9200  
Facsimile: 724-439-8435  
Attorney for Debtors  
Email: dwhite@Zeblaw.com

OFFICE OF THE CHAPTER 13 TRUSTEE

/s/ Kate DeSimone

Kate DeSimone, Esquire  
U.S. Steel Tower-Suite 3250  
600 Grant Street  
Pittsburgh, PA 15219  
412-471-5566  
Counsel for Chapter 13 Trustee

Prepared by: Daniel R. White, Esquire

Dated: February 22, 2021

A handwritten signature in black ink, appearing to read 'jsf', is written over a horizontal line.

Honorable Jeffery A. Deller  
UNITED STATES BANKRUPTCY JUDGE

Case Administrator to Mail to:  
Debtor(s)  
Counsel for Debtor(s)  
Ronda J. Winnecour, Esq.  
Office of the U.S. Trustee

In re:  
John C. Churby  
Sharon M. Churby  
Debtors

Case No. 17-22967-JAD  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-2  
Date Rcvd: Feb 22, 2021

User: culy  
Form ID: pdf900

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 24, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ John C. Churby, Sharon M. Churby, 7 Mountainside Way, Smithfield, PA 15478-1204

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 24, 2021

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 22, 2021 at the address(es) listed below:

Name	Email Address
Brett A. Solomon	on behalf of Creditor Ally Financial brett.solomon@solomon-legal.com
Brian Nicholas	on behalf of Creditor Ditech Financial LLC bnicholas@kmlawgroup.com
Brian Nicholas	on behalf of Creditor DITECH FINANCIAL LLC bnicholas@kmlawgroup.com
Charles Griffin Wohlrab	on behalf of Creditor New Residential Mortgage LLC cwohrlab@raslg.com
Daniel R. White	on behalf of Joint Debtor Sharon M. Churby sheila@zeblaw.com;r63228@notify.bestcase.com;elisa@zeblaw.com;gianna@zeblaw.com

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Total Noticed: 1

Daniel R. White

on behalf of Debtor John C. Churby sheila@zeblaw.com;r63228@notify.bestcase.com;elisa@zeblaw.com;gianna@zeblaw.com

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteewdpa.com

TOTAL: 8